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DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

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HILLERY, NATHAN	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. DETTINGER and SHANNON E. WENZEL

Appeal 2009-008491
Application 10/787,479
Technology Center 2100

Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP, and
JAY P. LUCAS, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

A Patent Examiner rejected claims 1-3, 5, 6, 11-13, 15, 24 and 25. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

The invention at issue on appeal relates to data processing and, more particularly, to configuring accessibility to application functions. (Spec. 1).

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows.

> 1. A method for configuring web pages, comprising:
>
> receiving a request for a web page comprising displayable content including user-selectable elements through which a user invokes one or more executable functions;
>
> providing the web page with the displayable content;
>
> parsing the web page to identify the user-selectable elements;
>
> disabling at least a portion of the user-selectable elements on the basis of a predefined transform definition to produce a re-configured web page, wherein the predefined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user-selectable elements to be disabled, thereby making the one or more executable functions corresponding to the portion of the user-selectable elements unavailable to the user viewing the reconfigured web page without setting values of variables within an underlying application code; and then
>
> returning the re-configured web page for display.

C. REFERENCES

The Examiner relies on the following references as evidence:

Keating	US 2002/0052895 A1	May 2, 2002
Wiesenhuegel	US 2002/0128949 A1	Sep. 12, 2002
Hogan	US 2004/0187093 A1	Sep. 23, 2004

D. REJECTIONS

Claims 1-3, 5, 6, 11-13, 15, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiesehuegel in view of Keating and Hogan.

PRINCIPLES OF LAW

Obviousness

"Obviousness is a question of law based on underlying findings of fact." *In re Kubin*, 561 F.3d 1351, 1355 (Fed. Cir. 2009). The underlying factual inquiries are: (1) the scope and content of the prior art, (2) the differences between the prior art and the claims at issue, (3) the level of ordinary skill in the pertinent art, and (4) secondary considerations of nonobviousness. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (citation omitted).

"'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.'" *In re Bell*, 991 F.2d 781, 783 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051 (CCPA 1976)).

ANALYSIS

With respect to independent claim 1, Appellants' Appeal Brief and Reply Brief generally address the Examiner's stated rejection from pages 3-6 of the Examiner's Answer and Appellants limit their detailed discussions to

the Wiesenhuegel reference. We disagree with Appellants' proffered distinction with respect to the teachings of Wiesenhuegel based upon the contention that Wiesenhuegel teaches "server side technology." Appellants contend that server side creation of a webpage which is provided to a client side and displayed at a client of Wiesenhuegel is different than the claimed invention of independent claim 1 which requires "a web page is requested, provided, parsed, and re-configured, and only then is the re-configured web page displayed. The provided web-page serves as a template that is modified at the client side." (App. Br. 16).

We disagree with Appellants limited consideration of the prior art teachings of the combination applied by the Examiner. We further find that the preamble of independent claim 1 recites a method for "configuring" webpages rather than "re-configuring." Furthermore, we find no express limitation in independent method claim 1 requiring processing at any specific location. We further find that webpage documents may be stored and provided from any location since no location has been set forth in the method of independent claim 1.

In addition to the teachings of Wiesenhuegel, we find the teachings of Keating to further buttress the Examiner's proffered teachings in Wiesenhuegel. From our review of the teachings of Keating, we note the additional teachings in addition to the Examiner's reliance upon paragraph [0008] regarding the use of XSL for transforming an XML document and method for formatting XML documents and the ability of Keating to add completely new elements into the output file or remove elements. Keating further discloses in paragraph [0013] that a user may elect to remove certain elements from the new selected content or to move further up or down the

XHTML tree to make content selection larger or smaller. Keating additionally discloses in paragraph [0031] that an XSL stylesheet for processing similar elements in a webpage for purposes of generating wireless webpages for one or more different wireless devices and automatic processing of different formatted documents despite changes in the documents or files. In paragraph [0034] Keating discloses that a wireless page delivery portion 70 may retrieve the actual requested HTML page, reformat the page into one or more cards and decks for the particular wireless device and send the reformatted cards and decks to the wireless device using the web server 64 and a gateway 66. Therefore, Keating clearly discloses reformatting a webpage into smaller more useful "cards and decks" for wireless devices in paragraphs [0035]-[0039]. Keating discloses use of reformatting by use of a rule set in a graphical user interface tool which enables the user to interact with the application where the user can perform content selection, configuration and deployment for their wireless website project and the user can create and define the rulesets which are used to transform the content and services from a desktop centric webpage to one or more cards destined for a wireless device such as the new formatting for the cards and which content goes on which cards. Therefore, we find that the teachings of Keating further buttresses the Examiner's proffered positions regarding the claimed limitations of providing a webpage, parsing the webpage and disabling a portion of the user selectable elements on the basis of a predefined transform definition to produce a re-configured webpage (cards or deck).

Therefore, we find Appellants' limited discussion of merely the teachings of Wiesenhuegel to not show error in the Examiner's proffered

combination of Wiesenhuegel, Keating, and Hogan for representative claim 1 and independent claim 11 grouped therewith respective dependent claims 2, 3, 5, 6, 12, 13, and 15.

With respect to independent claims 24 and 25, the Examiner identifies additional limitations found in these claims regarding the graphical user interface, network connection, and browser on a client computer and again argues the server side processing distinction. (App. Br. 18-19; Reply Br. 2-4) As discussed above, we find Appellants' arguments to be unavailing especially in light of our discussion of the teachings of Keating. Therefore, we find Appellants' limited discussion of merely the teachings of Wiesenhuegel to not show error in the Examiner's proffered combination of Wiesenhuegel, Keating, and Hogan for representative claim 24 and independent claim 25 grouped therewith.

CONCLUSION

For the aforementioned reasons, Appellants have not shown that the Examiner erred in rejecting representative independent claim 1 and Appellants have not shown that the Examiner erred in rejecting representative independent claim 24.

VII. ORDER

We affirm the obviousness rejections of claims 1-3, 5, 6, 11-13, 15, 24 and 25.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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